



## UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 2

290 BROADWAY

NEW YORK, NEW YORK 10007-1866

APR 28 2010

### **CERTIFIED MAIL- RETURN RECEIPT REQUESTED**

James D. Crane, Owner & CEO  
Tonawanda Coke Corporation  
3875 River Road  
Tonawanda, New York 14150-6507

Re: Compliance Order for Violations of the Clean Air Act  
Index No. CAA-02-2010-1005

Dear Mr. Crane:

Enclosed please find an Administrative Order (the "Order") issued by the United States Environmental Protection Agency ("EPA") pursuant to Section 113(a)(3) of the Clean Air Act (the "Act"), 42 U.S.C. § 7413(a)(3), to Tonawanda Coke Corporation ("Respondent") regarding compliance with the general duty clause provisions set forth at Section 112(r)(1) of the Act, 42 U.S.C. § 7412(r)(1).

The Order was issued regarding Respondent's compliance with general duty clause provisions at its facility located in Tonawanda, New York (the "Facility") and requires Respondent to undertake certain specific activities to come into compliance with the requirements of Sections 112(r)(1) of the Act, 42 U.S.C. § 7412(r)(1), and to correct violations at the Facility detailed in the Order. These activities include conducting an assessment into the root causes of two incidents of March 17, 2009 and March 31, 2010 at the Facility described in the Order and an evaluation of whether equipment, including exhausters and backup generators, is in good repair and meets applicable codes, protocols, and standards.

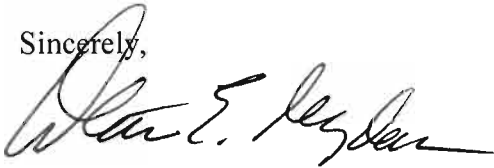
Pursuant to Paragraph 62 of the Order, Respondent may request a conference with EPA concerning the violations alleged in, and the requirements of, this Order. Respondent has the right to be represented by counsel at such a conference. If a conference is held, this Order shall become effective the day after the conference, unless the effective date is extended by EPA. If a conference is not timely requested, the Order shall become effective eight (8) days after Respondent's receipt of the Order. A request for a conference must be made in writing in time for EPA's receipt no later than seven (7) days after Respondent's receipt of this Order. The written request for a conference may be sent by fax, mail, or e-mail. The conference shall be held within five (5) days of the request unless that time period is extended by EPA, in its sole discretion. The conference may be conducted in person or by telephone.

The request for a conference regarding the Order should be addressed to:

Jean H. Regna, Esq.  
U.S. Environmental Protection Agency  
Office of Regional Counsel  
290 Broadway - 17th Floor  
New York, New York 10007-1866  
(212) 637-3164  
Fax: (212) 637-3104.  
email: regna.jean@epa.gov

Please give these matters your immediate attention. If you have any questions about any of these matters, you may contact Ms. Regna at her number listed above.

Sincerely,



Walter E. Mugdan, Director  
Emergency and Remedial Response Division  
U.S. Environmental Protection Agency - Region 2

Enclosure

cc: Mr. Rick Kennedy, Esq.  
Hodgson Russ, LLP  
The Guaranty Building  
140 Pearl Street, Suite 100  
Buffalo, New York 14202-4040

Mr. Mark L. Kamholz, Manager- Environmental Compliance  
Tonawanda Coke Corporation  
3875 River Road  
Tonawanda, New York 14150-6507

Mr. Larry Sitzman, Regional Air Pollution Control Engineer  
New York State Department of Environmental Conservation - Region 9  
Division of Air Resources  
270 Michigan Avenue  
Buffalo, New York 14203 - 2999

Mr. Robert J. Stanton, Director  
New York State Department of Environmental Conservation  
Division of Air Resources  
Bureau of Stationary Sources  
625 Broadway, 2nd Floor  
Albany, New York 12233 - 3254

Ms. Colleen McCarthy, Senior Counsel  
New York State Department of Environmental Conservation  
Bureau of Air Resources  
625 Broadway, 14th Floor  
Albany, New York 12233 - 5500

Ms. Maureen Brady, Associate Counsel-Legal Affairs  
New York State Department of Environmental Conservation  
Region 9  
270 Michigan Avenue  
Buffalo, New York 14203-2999